

ENTERED

November 13, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

GERARDO SEPULVEDA,

Plaintiff,

VS.

STATE FARM LLOYDS,

Defendant.

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CIVIL ACTION NO. 5:20-CV-157

ORDER

Plaintiff has filed a Stipulation of Damages (Dkt. No. 16) in response to this Court's order requesting he either: (1) concede that the amount in controversy in this case exceeds \$75,000; or (2) stipulate that he is not seeking nor will he accept more than \$75,000 from Defendant in this case, exclusive of costs or interests, and inclusive of any attorney's fees that may be awarded (Dkt. No. 15).

Here, Plaintiff stipulates that "the aggregate total sum or value in controversy in this civil action does not exceed \$74,999.99 exclusive of interest and costs" (Dkt. No. 16-1 at 2). This stipulation is insufficient to support Plaintiff's request for remand in two ways. First, Plaintiff's stipulation does not specifically address whether the amount in controversy exceeds \$75,000 inclusive of any attorney's fees that may be awarded. Second, Plaintiff's stipulation fails to affirmatively waive any entitlement to recovery equal to or in excess of the jurisdictional amount. To support remand, Plaintiff must make a sworn statement that the amount in controversy does not exceed \$75,000, attorney's fees included, and that he will not accept an amount equal to or greater than \$75,000.

Accordingly, the Court gives Plaintiff one last opportunity to amend his stipulation to comply with this Court's order by November 23, 2020. Failure to do so will be interpreted as a concession that the amount in controversy in this case exceeds \$75,000.

It is so **ORDERED**.

SIGNED November 13, 2020.

A handwritten signature in black ink, reading "Marina Garcia Marmolejo", written over a horizontal line.

Marina Garcia Marmolejo
United States District Judge